

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

DANIEL JUSTINIANO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. 23-1332 (CVR)

MEMORANDUM AND ORDER

Pending before the Court is the Motion to Dismiss Amended Complaint in Part filed by Defendant, the Social Security Commissioner, moving the Court to dismiss causes of action 1-10 and 13-14 pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The Commissioner argued that the only cause of action properly before the Court is the request to review of the administrative law judge's redetermination decision dated April 2023. (Docket No. 15).

The Motion to Dismiss was referred to Magistrate Judge Héctor L. Ramos-Vega who recommended that the Motion to Dismiss be granted in its entirety. (Docket Nos. 21 and 24). Plaintiff Daniel Justiniano timely filed objections to the Report and Recommendation. (Docket No. 25). Then, the Commissioner filed a response to Plaintiff's objections to the Report and Recommendation. (Docket No. 26).

Having made an independent, *de novo*, examination of the entire record and the applicable law, including Plaintiff's objections to the Report and Recommendation and Defendant's Response to said objections, the Court finds that the Magistrate Judge's

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analysis and conclusions are well supported, persuasive and carefully reasoned. Plaintiff's objections are mainly a rehashing of the arguments previously raised and already considered by Magistrate Judge Ramos-Vega, as properly argued by Defendant. Thus, Plaintiff does not provide sufficient grounds justifying a change in the Magistrate Judge's thorough Report and Recommendation. !!

Consequently, the Court ADOPTS the Report and Recommendation (Docket No. 24) in its entirety and INCORPORATES it by reference to the present Memorandum and Order. Where, as here, the Report and Recommendation is very thorough, the Court "finds it unnecessary to 'write at length' to repeat what is 'a first-rate work product.'" Sánchez-Medina v. Unicco Serv. Co., 2010 WL 3955780, at *4 (D.P.R. 2010)(citing Lawton v. State Mut. Life Assu. Co. of Am., 101 F.3d 218, 220 (1st Cir. 1996); In re San Juan Dupont Plaza Hotel Fire Litig., 989 F.2d 36, 38 (1st Cir. 1993); and Howard v. Redline Glob., LLC., Civil No. 21-1538 (RAM), 2023 WL 3158934, at *1 (D.P.R. Apr. 28, 2023).

In accordance with the above, the Court GRANTS Defendant's Motion to Dismiss (Docket No. 15) and DISMISSES WITH PREJUDICE causes of action 1-10 and 13-14.

Plaintiff may still proceed with his challenge to the Administrative Law Judge's redetermination decision in this case pursuant to 42 U.S.C. § 405(g), to wit, causes of action 11 and 12. The Commissioner shall file the administrative transcript by July 5, 2024.

IT IS SO ORDERED.

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In San Juan, Puerto Rico, on this 20th day of June 2024.

S/CAMILLE L. VELEZ-RIVE
CAMILLE L. VELEZ RIVE
UNITED STATES DISTRICT JUDGE